

Gov. Doc
Canada, Banking and Commerce, - 1st. Day
"Committee on (Senate)"
2nd Session, 24th Parliament, 1959

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THE SENATE OF CANADA



**PROCEEDINGS
OF THE
STANDING COMMITTEE
ON
BANKING AND COMMERCE**

To whom was referred the Bill C-26, intituled:
"An Act to amend the Northwest Territories Act"

The Honourable **SALTER A. HAYDEN**, Chairman

No. 3

TUESDAY, MARCH 17th, 1959

WITNESS:

Mr. F. J. G. Cunningham, Assistant-Deputy-Minister, Department of
Northern Affairs and National Resources.

REPORT OF THE COMMITTEE

**THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959**

BANKING AND COMMERCE

The Honourable Salter Adrian Hayden, Chairman

The Honourable Senators

*Aseltine	Golding	Pouliot
Baird	Gouin	Power
Beaubien	Haig	Pratt
Bois	Hardy	Quinn
Bouffard	Hayden	Reid
Brunt	Horner	Robertson
Burchill	Howard	Roebuck
Campbell	Hugessen	Taylor (<i>Norfolk</i>)
Connolly (<i>Ottawa West</i>)	Isnor	Thorvaldson
Crerar	Kinley	Turgeon
Croll	Lambert	Vaillancourt
Davies	Leonard	Vien
Dessureault	*Macdonald	Wall
Emerson	McDonald	White
Euler	McKeen	Wilson
Farquhar	McLean	Woodrow—50.
Farris	Monette	
Gershaw	Paterson	

**ex officio member.*

(Quorum 9)

ORDER OF REFERENCE

Extract from the Minutes of the Proceedings of the Senate.

MONDAY, March 9, 1959.

"Pursuant to the Order of the Day, the Honourable Senator Aseltine moved, seconded by the Honourable Senator Brunt, that the Bill C-26, intituled: "An Act to amend the Northwest Territories Act", be read the second time.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

The Bill was then read the second time.

The Honourable Senator Aseltine moved, seconded by the Honourable Senator Brunt, that the Bill be referred to the Standing Committee on Banking and Commerce.

The question being put on the motion, it was—

Resolved in the affirmative."

J. F. MacNEILL,
Clerk of the Senate.

REPORT OF THE COMMITTEE

TUESDAY, March 17, 1959.

The Standing Committee on Banking and Commerce to whom was referred the Bill (C-26), intituled: "An Act to amend the Northwest Territories Act", have in obedience to the order of reference of March 9, 1959, examined the said Bill and now report the same with the following amendments:—

1. Page 1: after line 14 insert the following:—

"(4) Writs for the election of elected members of the Council shall be issued on the instructions of the Commissioner."

2. Page 2: strike out lines 3 to 7 both inclusive and substitute the following therefor:—

"42. (1) No intoxicant shall be manufactured, compounded or made in the Territories except by permission of the Commissioner, and no intoxicant shall be imported or brought into the Territories from any place outside the Territories, whether it is in Canada or elsewhere, except by permission of the Commissioner or a person authorized by him."

All which is respectfully submitted.

SALTER A. HAYDEN,
Chairman.

MINUTES OF PROCEEDINGS

TUESDAY, March 17, 1959.

Pursuant to adjournment and notice the Standing Committee on Banking and Commerce met this day at 10.30 A.M.

Present: The Honourable Senators: Hayden (*Chairman*), Aseltine, Beau-bien, Brunt, Connolly (*Ottawa West*), Croll, Golding, Haig, Horner, Isnor, Kinley, Leonard, Macdonald, McDonald, McKeen, Pouliot, Power, Reid, Thorvaldson, Turgeon, Wall, White, Wilson and Woodrow—24.

In attendance: Mr. E. Russell Hopkins, Law Clerk and Parliamentary Counsel and the official Reporters of the Senate.

Consideration of Bill C-26, An Act to amend the Northwest Territories Act, was resumed.

Mr. F. J. G. Cunningham, Assistant-Deputy-Minister, Department of Northern Affairs and National Resources was heard.

It was resolved to report the Bill with the following amendments:—

1. Page 1: after line 14 insert the following:—

“(4) Writs for the election of elected members of the Council shall be issued on the instructions of the Commissioner.”

2. Page 2: strike out lines 3 to 7 both inclusive and substitute the following therefor:—

“42. (1) No intoxicant shall be manufactured, compounded or made in the Territories except by permission of the Commissioner, and no intoxicant shall be imported or brought into the Territories from any place outside the Territories, whether it is in Canada or elsewhere, except by permission of the Commissioner or a person authorized by him.”

At 11.00 A.M., the Committee proceeded to the consideration of other Bills.

Attest.

A. Fortier,
Clerk of the Committee.

THE SENATE

STANDING COMMITTEE ON BANKING AND COMMERCE

EVIDENCE

OTTAWA, Tuesday, March 17, 1959

The Standing Committee on Banking and Commerce, to whom was referred Bill C-26, to amend the Northwest Territories Act, met this day at 10.30 a.m.

Senator Hayden in the Chair.

The CHAIRMAN: Gentlemen, we have a quorum.

We have before us for further consideration Bill C-26. The only item left open at the last meeting was in relation to section 1 of the bill, and the necessity which we felt for some provision for authority in some person to issue instruction for the holding of elections. We felt there was that gap in the scheme.

When we looked at the statute itself and the Canada Elections Act, and looked at the Yukon Act to which reference was made last day, we found there were complete provisions in relation to the calling of elections; we do not wish to model this amendment after the provisions in the Yukon Act, for reasons which I can state very shortly, namely, that the Yukon Act provides for the passing of an ordinance by the Government of the Yukon, which would mean they would have authority to lay out the whole plan of elections quite apart from the application of the provisions of the Canada Elections Act. That from the point of view of the minister does not seem to be desirable, nor is it in accord with certain amendments made to the Canada Elections Act so as to relate its provisions specifically to the Northwest Territories Act and the Yukon Act. You will find such provisions in section 114 of the Canada Elections Act.

Your subcommittee finally came up with this suggestion to close the gap, and it has been approved by the department and by the representative from Justice, that we give authority to the commissioner of the Northwest Territories so that he may issue the instruction for the issue of a writ, which instruction goes to the Chief Electoral Officer. He must issue the writ, and the machinery of the Elections Act starts to operate.

The suggested amendment is that we add a new subsection 4 to section 1 as follows:

Writs for the election of members of the council shall be issued on the instruction of the commissioner.

Senator ASELTINE: That takes care of the objection.

The CHAIRMAN: Yes. Our objection was in relation both to elections and by-elections; and since a by-election under the Canada Elections Act is an election, we do not have to spell it all out.

Senator WALL: What is the interpretation of the word "shall"?

The CHAIRMAN: "...shall be issued on the instruction of..." that is a mandatory direction to the Chief Electoral Officer.

Senator POWER: I am questioning that proposed amendment, since there are two types of members of the council. The amendment would appear to include all members of council, when in fact it should apply only to the elected members.

The CHAIRMAN: Rather than argue the point—yes.

Senator POWER: It is for the election of the elected members to the council.

The CHAIRMAN: We could perhaps say the “elective members”.

Senator BRUNT: I think there should be a distinction between the two.

Senator MACDONALD: There are no other members who are elected.

Senator POWER: There are members who are not elected. We are proposing to say that writs for all members of council shall be issued—it is mandatory. I would like to see it stated somewhere that it does not apply to those who are appointed.

Senator LEONARD: In subsection 2 the words used are “writs for the general election of the elected members.”

The CHAIRMAN: That is why I think we have to stick with the word “elected”.

Senator LEONARD: It was used twice in subsection 2 and there is no objection to using it twice in subsection 4.

The CHAIRMAN: This will be the wording: the writs for the election of elected members of the council.

Senator POWER: Is not the word “return” the proper term?

The CHAIRMAN: No.

Senator POWER: He is elected when the writ is returned. Of course it is almost a technical term.

The CHAIRMAN: The wording is: “writs for the election of the elected members of the Council shall be issued on instructions of the Commissioner.”

Does the committee approve?

Hon. SENATORS: Carried.

The CHAIRMAN: You will recall we made an amendment the other day, so there have been two amendments made to this bill. We carried the other amendment at the last meeting, it was in section 4 of the bill which purports to amend section 42 of the act. The new subsection 1 of section 42 as set out in section 4 of the bill and as amended reads as follows:

No intoxicants shall be manufactured compounded or made in the Territories except by permission of the Commissioner and no intoxicants shall be imported or brought into the Territories from any place outside the Territories whether it is in Canada or elsewhere except by permission of the Commissioner or a person authorized by him.

Senator POWER: Is there a definition of “intoxicant” anywhere?

Senator BRUNT: I think there must be one some place.

Mr. CUNNINGHAM: There is a definition of that word in the Intoxicating Liquor Act.

The CHAIRMAN: In the definition section of the Northwest Territories Act, which is section 2(e), “intoxicant” includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating.

Senator ASELTINE: I move that we report the bill.

The CHAIRMAN: Shall I report the bill?

Hon. SENATORS: Agreed.

Senator WALL: Mr. Chairman, just before the bill carries: I notice that in section 45A under "Archaeological Sites", that power is given to seize archaeological specimens without a warrant.

Senator ASELTINE: That feature was fully explained the other day.

Senator WALL: I remember the explanation, but I wanted to ask à propos of that, does that kind of thing hold within Canada. Suppose I wanted to take out a certain object or specimen of an archaeological nature, is it subject to seizure?

The CHAIRMAN: If you were in the Northwest Territories and if you helped yourself to one of these archaeological specimens, and if a peace officer heard about it he would take it from you without a warrant.

Senator WALL: Could that happen in Canada?

The CHAIRMAN: I do not know what the jurisdiction of the peace officer is.

Senator WALL: It was just for clarification that I asked.

The CHAIRMAN: Gentlemen, we have reported the bill.

